157.

SUPREME COURT OF THE UNITED STATES.

No. 188.

THE UNITED STATES, APPELLANTS,

v.

TEODORO ARRELLANES.

APPEAL FROM THE DISTRICT COURT U. S., FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

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Transcript of the proceedings in Case No. 163, Teodoro Arrellanes, Claimant, *v.* The United States, Defendant, for the place named "El Rincon."

Office of the Board of Commissioners to ascertain and settle private land claims in the State of California.

Be it remembered, that on this sixth day of April, Anno Domini one thousand eight hundred and fifty-two, before the Commissioners to ascertain and settle the private land claims in the State of California, sitting as a Board in the City of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Teodoro Arrellanes, for the place named "El Rincon," was presented, and ordered to be filed and docketed with No. 163, and is as follows, to wit:

(Vide page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had, in their chronological order, to wit:

Los Angeles, September 4th, 1852.

In Case No. 163, Teodoro Arrellanes, for the place named "El Rincon," the deposition of Pablo de la Guerra, a witness on behalf of the claimant, taken before Commissioner Hiland Hall, was filed.

(Vide page 5 of this transcript.)

San Francisco, January 5th, 1853.

In the same case, the deposition of Antonio de la Guerra, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

(Vide page 6 of this transcript.)

San Francisco, August 26th, 1853.

Case No. 163, Teodoro Arrellanes, for the place named "El Rincon," called; submitted on brief, and taken under advisement.

San Francisco, November 23d, 1853.

In the same case, Commissioner Thompson Campbell delivered the opinion of the Board, rejecting the claim.

(Vide page 36 of this transcript.)

Petition.

To the Honorable Commissioners to settle Private Land Claims in California.

The petitioner, Teodoro Arrellanes, respectfully shows

That, on the 30th day of September, A. D. 1833, he applied for the tract of land called El Rincon, and that on the 8th day of January, A. D. 1834, he received permission from the Governor to occupy and cultivate said land; that on the 6th day of June, 1835, he asked for a grant in fee of said land; that on the 22d day of June, A. D. 1835, Jose Figueroa, Governor of California, by virtue of authority, granted to the Petitioner said tract of land called El Rincon, situate in the then jurisdiction and now County of Santa Barbara, containing one square league a little more or less, with the boundaries described in the grant and shown in the corresponding map, that said grant was approved in due form by the Deputation on the 25th day of September, A. D. 1835, all of which is fully shown in the espediente, an exact copy of which is submitted herewith marked "A," with a translation marked "B."

That, on the 23d day of June, A. D. 1835, the title in due form was made out in the name of Governor Figueroa for the petitioner, but as that officer died about that time, the title-papers were signed by his successor, Jose Castro, Governor ad interim of California, which is fully shown by the original paper, a copy of which is submitted herewith, marked "C," with a translation marked "D."

That, on the 9th day of May, A. D. 1836, the said land was duly surveyed, and the judicial possession of it given to the petitioner in due form of law. A copy of which act of possession is submitted herewith, marked "E," with a translation marked "F."

That, the said land has not been surveyed by the Surveyor-General of the United States, but that its boundaries are fully described in the papers above referred to, and are well known.

That the petitioner has been for about twenty years, and now is in the quiet, peaceable and undisputed possession and occupation of the said tract of land.

That he knows of no conflicting claim. That he relies for confirmation of title upon the original papers, copies of which are submitted herewith, upon the records and minutes now in the archives now in the charge of the Surveyor-General of the United States, and upon such other proofs as he may be advised are necessary.

Wherefore, he prays the Commissioners to confirm to him the said tract of land.

By his Attorneys,
HALLECK, PEACHY & BILLINGS.

Filed in office, April 6th, 1852.

GEORGE FISHER,
Secretary.

Deposition of Pablo de la Guerra.

Office of the Board of Land Commissioners for California,
Los Angeles, Sept. 4th, 1852.

On this day before Hiland Hall, one of the Commissioners for

ascertaining and settling private land claims in California, came Pablo de la Guerra, a witness produced in behalf of the claimant, Teodoro Arrellanes, being No. 163 on the Commissioners' docket, after being duly sworn testified as follows.

The U. S. Law agent being duly notified and attended.

The evidence of the witness was given in English.

In answer to questions by the counsel for the claimant the witness testified as follows.

My name is Pablo de la Guerra, my age is thirty-two years, and I reside in Santa Barbara; I am a native of California.

I am acquainted with the handwriting of Jose Castro, Francisco de Castillo Negrete, Joaquin de la Guerra, Antonio Rodriguez, Anastasio Carrillo, and Fernando Tico.

Their several signatures appearing upon two papers now shown me, purporting to be the title and judicial possession to the claimant of the Rancho El Rincon, are, I have no doubt, their genuine signatures; said papers are hereto annexed and marked No. 1 and 2. I knew the ranch described in the title papers as early as 1836. The claimant then had a house there which was inhabited; a part of the land was under cultivation, and he had cattle and horses there; he or his sons for him have occupied the land ever since.

In answer to questions by the law agent the witness says, he cannot tell the extent to which the land was under cultivation; the land is within ten leagues of the sea-coast.

PABLO DE LA GUERRA.

Sworn to and subscribed before me.

HILAND HALL,
Com'r.

Filed in office, Sept. 4th, 1852.

GEO. FISHER,
Secretary.

San Francisco, July 5th, 1853.

On this day before Com. Harry J. Thornton, came Antonio Maria de la Guerra, a witness in behalf of the claimant Teodoro Arrellanes, petition No. 163, and was duly sworn, his evidence being interpreted by the Secretary.

The U. S. Associate Law Agent was present.

My name is Antonio Maria de la Guerra; my age is 27 years; I was born in Santa Barbara, and live there now.

I know the rancho called "El Rincono." It is very near the town of Santa Barbara; Teodoro Arrellanes first occupied it in 1835 or 1836; he had a house and sowings; he or his son have occupied it ever since, and have cattle and horses on it at the present time.

ANTO. MO. DE LA GUERRA.

I acknowledge due notice.

R. GREENHOW,
Asso. Law Agent of the U. S.

Sworn to and subscribed before me this 5th day of Jany. 1853.
HARRY J. THORNTON,
Commissioner.

Filed in office January 5th, 1853.
GEO. FISHER,
Secretary.

Espediente.

Sobre el parage nombrado. Matilijia, solicitado por Teodoro Arrellanes, 152.

Sello tercero, Dos reales.

Habilitado provisionalmente por la administracion de la Aduana, Maritima de Monterey, para los anos de mil ochocientos trienta y cuatro y mil ochocientos treinta y cinco.
FIGUEROA,
RAFAEL GONZALES.

Senor Comandte. Gral y Gefe Supor. Politico C. Dn. Jose Figueroa.

Santa Barbara, Abril 8, de 1831.

De conformidad con las leyes de la materia informe el comandte. militar de Sta. Barbara, si el interesado en esta instancia obtiene los sequi sitos prevenidos para ser atendido en esta solicitud. Si el terreno que pretende esta comprendido en las veinte lequas limitrofes o diez litorales que espresa la ley de 18 de Agosto, de 1824. Si es de regadio, temporal o abrebaders. Si pertenecia a propiedad particular, corporacion, pueblo, Mision con todo lo demas que ser conveniente a ilustrar la materia, evacuando este informe pasara el espediente al R. P. Ministro de la Mision de San Buenaventura, para que le sirva esponer lo que le ocurra. El Sr. D. Jose Figueroa, General de Brigada del Ejercito Mejicano, Comandante-General y Gefe Superior Politico del territorio de la Alta California, ali lo mando, decreto y firmo de que doy fe.

Teodoro Arellanes, vecino del Puerto de Santa Barbara, ante V. E. como mejor proceda espongolo siguiente.

Senor en el superior decreto que V. S. se sirvio dar con fha 8 de Enero p. pdo. a la solicitud que hice pretendiendo la propiedad del parage del Rincon que hoy ocupo en calidad de prestado; por un efecto de su notoria bondad me habre la puerta para que solicite otro sitio valdio en que sin perjuicio de nadie puede hacer la concesion de la gracia que imploro para aquel para aquel; y para no perder tan benefica como oportuna ocasion, me presento de nuevo a la suprioridad de V. S. solicitando la propiedad del parage conocido con el nombre de mastilijo des de cuya rancheria hasta la de lisa que corre de ueste a sur, y distan una de otra costa de tres a cuatro leguas; y dos de ancho de oriente a poniente, cuyo sitio aunque pertenecia a la Mision de San. Buenaventura se alta valdio y fama

lo a surpado dicha Mision por no necesitarlo, como lo certifica sa actual Ministro R. P. F. Blas oratas en el documento que debidamente acompano a V. S. son un legal y no aderesado diseno por no haber en este punto quien con la debida propiedad sepa dibujarlo.

De esta gracia que nuevamente imploro de la maynanimidad de V. S. resulta el beneficio de mi numerola familia, y con esta la poblacion y cultios de un terreno que en el dia es abrcoadero de las fieras, sin frulo ni provecho at territorio como lo era antes el Ruesu, cuyas mejoras dejari gastos a beneficio de la nacion. Si V. S. tiene a bien aceder a mi solicitud a lo que vivire elernamente agradecido.

TEODORO ARELLANES.

Santa Barbara, Abril 7, 1846.

JOSE FIGUEROA. Par ausa. del secretario,

BERNARDO NAVARETE.

Sor Jefe Politico Superior.

El contenido en esta instancia obtiene los requisitos necessarios prevenidos por la ley para ser atendiolo en su solicitad, el terreno que pretende no esta comprendo. en las 20 leguas limitrofes y a 10 litorales que espresa la ley de 18 de agostode 1824, y en cuanto al por menor de su situacion es conforme al plan que a companio por dcho parage pertenese a la mision de Buenardo y es de reguolio. Es cuanto puede informar a V. S. consecuente a su supor. decreto f ha 8 del presente. Santa Barbara, Abril 16, 1834.

JUAN MA. YBARRA.

Digo yo. Fr. Blas Ordar, Ministro de esta Mision del Sancfico Doctor San Buenaventura, que el sitio que corresponde desde el Rio dela Rancheria de Ojay y un lado lade sutress se halla Baldio y no lo tiene ocupado esta mission por falta de bienes y no necesitan de dicho sitio, y para las debides fines del interesado lo firmo.

Mission del Serafico, Dr. San Buenaventura, 2 de Mayo, de 1834.

FR. BLAS ORDAR.

(For map, see original, page 9.)

Sello Tercero Dos Reales.

Habilitado provisionalmente por la administracion de la Aduana Maritima de Monterey para los anos de mil ochocientas treinta y cuatro y mil ocho cientos treinta y cinco.

FIGUEROA,
RAFAEL GONZALES.

Senor Jefe Superior Politico.

En atension a la que el interesado espone en su solicitud digo; que sitio el que el solicitante espresa esta baldio y la mision en la tiene ocupado.

Lo quenta tengo que esponen a us, en confirmidad a su superior decreto, fecha 8 de presente.

Sn. Buenava., 25 de Abril, de 1834.

FR. BLAS ONDAR.

Monterey, Mayo 14, de 1834.

Sien do perteneciente a la Mision de San Buenaventura al terreno pretendido, por la parte de Teodoro Arrellanes, en competencia con Da. Josefa Carrillo de Dana, D. Nicolas Gutienez, y Cresogono Ayala y Solio, no estando secularisados las Misiones y dado al Sor. D. Jose Maria Hifar, por al Supremo Gobierno la comision especial de dishibien esas terrenos, suspendare par ahora el curso de este espediente, haciendola sara a loparte para los occuras que le comrengan. El Sor. D. Jose Figueroa, General de Brigada, de la Republica Mejicana Comandante General, Inspector y Gefe Superior Politico del territorio de la Alta California, asi lomando, decreto y firmo, de que doy fe.

JOSE FIGUEROA,
AGUSTIN V. ZAMORANO,
Srio.

Sello Tercero Dos Reales.

Habilitado provicionalmente por la administracion de la Aduana Maritima de Monterey, para los anos de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA,
RAFAEL GONZALES.

Sa. Clara, Abril 1o, de 1835.

Agregase a sus antecedentes y dese cuenta prea resolver.

FIGUEROA.

Sor Comte. Gral. Teodoro Arrellanes vicino de Sto. de Sta. Barbara y radicado en el, con el respeto debido y sumision como mijor haya lugor en otro pluma V. S., presente que habiendose prestudo pr. medio de una insta. el ano proximo pasado en solicitud de un paraje que se halla en las immediaciones de la Mision de Sn. Buena Bentura distante como ocho leguas sumbo al norte, nombrados los rancherias que se hallan vicinas Matilija, Djcay y Lesstep, y no habiendo tenido misgura contestacion sobre dicha presentacion ocurre a la bondad de V. S., pa. que se digne tomar en consideracion mi abansada edad y cresida familia y no tener caso y que subsisten por la falta de unas tierras en que poner mis bienes y hacer una siembra pa. poderse montaner, advertiendo a V. S. q. el paraje q. solicita no es el q. el Ciudadano Enisogono Ayula ha solicitado pues vista uno de otro como cuatro leguas. Por tanto A. V. S. rendidamente pide y suplica se digne decretar esta instancia en favor del interesado a lo qe. recibire gracia y merced.

Sta. Barbara, 22 de Febro, de 1835.

Sello tercero Dos reales.

Habilitado provisionalmente por la Administracion de la Aduana Maritima de Monterey para los anos de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA,
RAFAEL GONZALES.

Monterey, Julio 30, de 1835.

Agreguese en este espediente el promovido por el mismo Arellanes en solicitud del paraje del Rincon de la Carpinteria y de se cuenta para resolver.

Jurisdiccion de Santa Barbara, Ano de 1833.

Espediente.

Sobre el paraje nombrado el Rincon solicitado por Teodoro Arellanes.

Sta. Barbara, 8 de 1833.

De conformidad con las leyes de la materia informe el comandante Militar de Sta. Barbara si el contenido en esta instancia obtiene los requisitos prevenidos pa. ser atendido en su solecitud. Si el terreno que pretende esta comprendido en las 20 leguas limitrofes o litorales que espressa la ley de 18 de Agosto de 1824, si es de regadio temporal o de abrevadero, si pertenece a algun particular corporacion, Pueblo con todo lo demas que el tubo sea conducente a ilustrar la materia El Sor Gefe Supor. Politico del territorio asi lo mando, decreto y firmo. De que doy fee.

FIGUEROA.
S. ZAMORANO.
Srio.

Senor Comandante Gral.

Teodoro Arellanes Vecino y radicado en el Presidio de Sta. Barbara ante la superioridad de V. S. como mejor halla lugar y el decrete te prebiene hase presente. Que teniendo una numerosa familia los cual aciende a nueve hijos y al mismo tiempo un corto numeroso de bienes que son con las q. mantiene a su dicha familia, y no hallando un sitio seguro en donde mantenir dichos bienes con seguridad y para su acresentamiento, pide V. S. el parage nombrado del Rincon pa. en el hacer sus labores poner quinientos reces y mantiener algunos bienes caballares que entre mando y de manada hasen el numero de ciento y veinte cabesas, el sitio referido pertenese a la compania de este presidio pero hace mucho tiempo que en nada se ocupa, por lo espuesto espero que enterandose V. S. bien del adjunto diceno que debidamte, acompano se debera aceder el a lo que contiene esta mi solecitud dignandose admitirla en papel comun pr. no haber en este lugar del que se requiere. Por tanto A. V. S. Rendidamento

suplico se digne decretar esta instancia en mi favor con culla gracia qnedare para siempre reconocido.

TEODORO ARELLANES.

Santa Barbara, Fbro. 30, de 1833.

Senor Gefe Superior Politico:

El contenido en esta instancia obtiene los requisitos prevenidos para ser atendido en su solicitud; el terreno que pretende no esta comprendido en las 20 leguas limitrofes y lo litorales que espresa la ley de 18 de Agosto de 1824, y en cuanto al por menor de su situacion es conforme al plan que acompane pero dicho pertenece a la compania presidial de este puerto segun el mismo suplicante informe, en tal virtud V. S. resolvera lo que fuere de su agrado que es cuanto puedo informar a V. S. concerniente a su Superior decreto fecha 8 del coriente.

JUAN MA. YBARRO.

Puerto de Sta. Barbara, Obe. 21, de 1833.

(For map, see original, page 13.)

Monterey, Nov. 21, de 1833.

Informe el comandante de la compa. Presidial de Santa Barbara, si el terreno que solicito el suplicante siendo destinado para el situada a la caballada de dho compania, se le podra adjudicar sin que haga falta a la nacion en el servicio a que esta consagrado El Sor. Gefe Superior politico del territorio D. Jose Figueroa asi lo decreto mando y firmo de que doy fee.

FIGUEROA.

AGUSTIN V. ZAMORANO,
Srio.

Sr. Gefe Supor. Politico.

El paraje solicitado por el representante en hesta me parese puede conseder se le, en los mismos terminos qe. hasta a ora lo tiene prestado pa. q. siembre, tambien se lo podra conseder si el Gobno. le parese el q. ponga el numero de ganado y caballada qe. espresa, bien entendido q. Dhas bienes deben partear, del arroyo del Rincon pr. la parte de las Lomas, del Oriente tota la Canada qe. llaman de las Sauses; tambien se le pueda permiter el cultivar las tierras inmediatas que hay a Dho arroyo qe. llaman las Rosas de Castillas por ser muy cortas las que actualmte. cultivo, menos tener ganado ni caballada pues en, caso de poner lo sera perjudicato el parage de la Carpinteria como hasta aora lo esta, pues ambos Dos parages son pertenecientes al pasteadero del situado de la Compa. pr. el Gobno. pueda agraciar al suplicante en atension a sus bienes circumstancias y onrrads. prosidimientos. Es cuanto puedo informar en cumplimiento al Supr. decreto de V. S. fho 21 de 9bre de pyds. Sta Barbara 25 de Dbre, de 1833.

DOMINGO CARRILLO.

(Here follows a topographical map.)

por la debida aprobacion a la exma dipon. territorial. El Senor Don Jose Figueroa General de Brigada, Comandante Gl. e Inspector y Gefe Politico de la Alta California asi lo mando, decreto y firmo de que doy fee.

JOSE FIGUEROA.

DR. DEL JNO NEGRETE.

Monterey, Sepbre. 21, de 1835.

En sesion de este dia se mando pasar a la comision de terreno baldios.

CASTRO.

Queda tomado razon a fs. 70.

Office of the Surveyer-General of the United States for California.

I, Samuel D. King, Surveyor-General of the United States for the State of California, and as such now having in my office and under my charge and control a portion of the archives of the former Spanish and Mexican territory or department of Upper California, do hereby certify, that the twenty preceding and hereunto annexed pages of tracing paper, numbered from one to twenty, inclusive, and each of which is verified by my initials (S. D. K.), exhibit true and accurate copies of certain documents on file, and forming part of the said archives in this office.

In testimony whereof, I have hereunto subscribed my name officially and affixed my private seal (not having a seal of office) at the City of San Francisco, California, this twenty-fourth day of February, A. D. 1852.

SAM. D. KING,
Surveyor-General, California.

Filed in office, April 6th, 1852.

GEO. FISHER,
Secretary.

Translation of Expediente.

Page 12 of the Expediente.

Santa Barbara, October 8th, 1833.

In conformity with the laws on the matter, let the Military Commandant of Santa Barbara report, whether the person referred to in this petition possesses the prescribed qualifications for his petition to be attended to; whether the land which he petitions for is included in the 20 leagues from the boundary, or ten from the sea mentioned in the laws of August 18th, 1824; whether it is irrigable, depending on the seasons, or pasture land; whether it belongs to the ownership of any private individual, corporation, or pueblo, with all other things that he thinks conducive to explain the matter.

His Honor, the Superior Political Chief of the territory, thus ordered, decreed, and signed, to which I certify.

(Signed) FIGUEROA.

(Signed) ZAMORANO,
Secretary.

Senor Commanding General: Teodora Arrellanes, resident and settled in the Presidio of Santa Barbara, before the superiority of your honor as he best may, and as law directs, representation makes, that having a numerous family, which contains more than nine children, and at the same time a small number of cattle, being with which he maintains his said family, and not finding a safe place where he can keep said cattle, with security for their increase, he prays of your Honor the place named "Rincon," for the purpose of sowing on it, placing five hundred head of cattle, and keeping some horses on it, which, between tame and wild, make up the number of one hundred and twenty head. The place referred to belongs to the company of this Presidio, but for a long time it has not been occupied for any purpose; for the foregoing reasons he hopes that your honor, after understanding well the map which he duly transmits herewith, will accede to that which is contained in this his petition, having the goodness to admit it on common paper, there being none of the required stamp in this place. Wherefore, he earnestly prays your Honor to have the goodness to decide this in his favor, for which gift he will remain forever grateful.

(Signed) TEODORA ARRELLANES.

Santa Barbara, September 30th, 1833.

Senor Superior Political Chief: The person referred to in this petition possesses the prescribed qualifications to have his petition attended to. The land which he requests is not included in the 20 leagues from the boundary with any foreign nation, or 10 from the sea-shore, expressed in the law of August 18, 1824, and in all that refers to the detail of its situation, it is conformable to the accompanying map, but said place belongs to the company of the Presidio of this point, as mentioned by the petitioner; such being the case, your Honor will determine that which is your pleasure. This is all I can inform your Honor concerning your superior decree, dated the eighth instant.

(Signed) JUAN MA. HARRA.

Port of Santa Barbara, October 21, 1833.

Monterey, November 21, 1833.

Let the commanding officer of the Company of the Presidio of Santa Barbara report, whether the land which the petitioner requests, being set apart for the use of the horses of said company, can be granted without being wanted by the nation for the purpose for which it is designated. His Honor the Superior Political Chief of the territory, Don Jose Figueroa, thus decreed, ordered and signed, to which I certify.

(Signed) FIGUEROA.

(Signed) AUGUSTIN ZAMORANO,
Secretary.

Senor Superior Political Chief: The place solicited by the person representing in this (petition), it seems to me, may be granted to him on the same terms in which, up to this time, it has been lent to him, for the purpose of planting; it may also be conceded to him, if the Government should think proper, to place there the number of cattle and horses which he mentions. It being well understood that said stock should pasture from the Arroyo del Rincon, on the side next the hills on the east to the Canada, called that of Los Sauces, he may likewise be permitted to cultivate the lands which are near said Arroyo, and which are called Los Rosas de Castilla, those which he actually cultivates being very small, but not to put cattle or horses there, for in case he should do so, the place of La Carpinteria would be injured, as up to this time it is, for both belong to the pasture lands of the Company, but Government can favor the petitioner in consideration of his good conduct and honorable character. This is all that I can report in compliance with the superior decree of your Honor; dated November 21, ulto.

(Signed) DOMINGO CARRILLO.

Santa Barbara, December 25th, 1833.

Monterey, January 8th, 1834.

It having been shown that the place of El Rincon, petitioned for by Teodoro Arrellanes, belongs to the place occupied by (situado) the horses of the Company of Santa Barbara, and it now being in my power to dispose of the lands which the nation has in use, the petition of Arrellanes aforesaid cannot be admitted, it being permitted him only to cultivate, without prejudice to the government horses, the land which he can in the said place, it being understood to be to the Rosas de Castilla on the bank of the Arroyo towards the hills and Sierra as far as the Canada de Los Sauces, but this concession would be understood to be as a loan until he may find another land in another place, where there may be such vacant, for which he petitions. Let this decision be communicated to the military commandant of Santa Barbara, that he may make it known to the person interested through an official communication, that it may serve him for a security.

[Seal for the years 1832 and 1833.]

Senor Don Jose Figueroa, General of Brigade, Commanding General, Inspector and Superior Political Chief of Upper California. Thus ordered, decreed, and signed, to which I certify.

(Signed) JOSE FIGUEROA.

(Signed) AGUSTIN V. ZAMORANO,
Secretary.

Places named by the Numbers.

The distance from number 9 to number 3 is about two leagues, the distance from number 8 to number 7 is about one league. The place occupied by number 1 is a table-land called Los Leperos. The place

occupied by number 2 is a plain for planting, 500 varas long and one hundred wide. The place occupied by number 3 is a flat which at this time is planted; this flat is about 200 varas long and one hundred wide. The place number 4 is a fall (spring) (vertemte) of water, the same which waters the flat number 3. The place where number 5 is, is a high ground for cattle: this has no water, but many gullies, except that on the further side of it is the Arroyo de los Sauces. The place occupied by No. 6 is where the high land ends. The place of No. 7 is the edge of the thicket (monte), and joins with the beach. The place of No. 8 is a gully with running water. No. 3 (9) is the entrance of the arroyo into the sea, and this entrance is called "La Brea." No. 10 is the place where the rancho is formed. It is said that the rancho ought to include from the Arroyo de los Sauces to the Arroyo de la Brea in length, and from the Arroyo de las Casitas to the beach as its breadth, that is two leagues in length and one in breadth.

Stamp Third, Two Reales.

Provisionally authorized by the administration of the Maritime Custom House of Monterey, of Upper California, for the years one thousand eight hundred and thirty-four, and one thousand eight hundred and thirty-five.

(Signed) FIGUEROA.
(Signed) A. RAMIREZ.

Monterey, Jan'y 20, 1835.

Let this be attached to the preceding documents, and present them to me that I may decide.

(Signed) FIGUEROA.

To His Honor the Superior Political Chief:

Teodoro Arrellanes, resident of Santa Barbara, of this Territory, before the justification of your Honor, representation makes, that in a petition of September 30th, 1833, he solicited the ownership of the place named "El Rincon," and as some time has passed, and in virtue of possessing said place quietly and peaceably, and without prejudice to any other person, he applies to the well-known goodness of your Honor, that you would be pleased to grant in his favor the ownership of the said land, for the reason that he has on it a large number of neat cattle and horses, and has built a dwelling-house, in which his large family lives. Therefore he earnestly prays and beseeches your Honor have the goodness to issue in his favor the title of said land. A favor and gift which he hopes to receive.

(Signed) TEODORO ARRELLANES.

Santa Barbara, June 6th, 1835.

Monterey, June 22d, 1835.

Having seen the petition with which this expediente commences,

the report of the Ayuntamiento of Santa Barbara, that of the Commanding Officer of Company of the Presidio of the same place, the last representation of the person interested, together with other information which was presented and deemed proper to be seen in conformity with the laws and regulations on the matter, Teodoro Arrellanes is declared owner in fee of the land known by the name of El Rincon, subject to the conditions which may be stipulated. Let the corresponding title be issued. Let note be made in the proper book. Send this espediente for the due approval of the Most Excellent Territorial Deputation. Don Jose Figueroa, General of Brigade, Commanding-General and Inspector, and Superior Political Chief of Upper California. Thus ordered, decreed, and signed, to which I certify.

(Signed) JOSE FIGUEROA.

(Signed) FRANCISCO DEL CASTILLO NEGRETE,
Secretary.

Note has been made, folio 70. Fee $10.

Monterey, September 21, 1835.

In session of this day, this was ordered to be referred to the Committee on Vacant Lands.

(Signed) CASTRO.

Most Excellent Sir:

The Committee on Vacant Lands having examined the expediente which was ordered to be formed on the request of citizen Teodoro Arrellanes, made for the place named El Rincon, not finding any objection to make, it being in every respect in conformity with the law of August 18, 1824, as well as art. 5 of the regulations of November 1, 1828, offers for the decision of your Excellency the following proposition:—They approve the grant made to citizen Teodoro Arrellanes, of the place named El Rincon, granted on the 22d of June, 1835, subject to the condition which may be imposed, in case a declaration may be made that it belongs to the common lands of the town of Santa Barbara.

(Signed) SALVIO PACHECO.

Monterey, Sept. 22d, 1835.

Monterey, Sept. 25, 1835.

In session of this day, the Most Excellent Deputation approved the proposition of the foregoing report.

(Signed) CASTRO,
Pres't.

(Signed) JUAN B. ALVARADO,
Dep. Sec'y.

Filed in office, April 6th, 1852.

GEO. FISHER,
Sect'y, Exar. R. P.

No. 1, annexed to Dep. of Pablo de la Guerra.

Sello segundo. Doce reales.

Habilitado provicionalmente por la Administracion de la Aduana Maritima de Monterey de la Alta California para los anos de mil ochocientos treinta y cuatro y mil ochocientos treinta y cinco.

FIGUEROA,
A. RAMIREZ.

Jose Figueroa, General de Brigada, Comandante-General e Inspector y Gefe Superior Politico de la Alta California. [SEAL.]

Por cuantro Teodoro Arellano, mejicano pr. nacimiento ha pretendido pa. su beneficio personal y el de su familia el terreno conocido con el nombre de Rincon, cuyos linderos se espresan en el diceno, q. corre en el espediente q. son desde el arroyo de los Sauces al arroyo de la Brea y desde el arroyo de las Casitas a la playa su total longitud son dos leguas y su latitud una: practicadas previamente las diligencias y averiguaciones consernientes segun lo dispuesto pr. leyes y reglamentos, usando de las facultades que me son conferidas he venido en decreto de este dia a nombre de la Nacion Mejecana en concederle al espresado Teodoro Arellano el terreno mencionado declarandole la propiedad de el por las presentes letras enteniendose dha, concesion en entera conformidad o lo dispuesto pr. leyes y reglamentos a reserva de la aprobacion de desaprobacion de la Exma Diputacion Territorial; y al Supremo Gobno. y bajo las condiciones signientes.

1a. Que se sometera a las q. estableciere el reglamento que se ha de formar pa la distribucion de terrenos boldios y que entre tanto ni el agraciado ni sus herederos podian divider ni enagenar el que se adjudica, imponer senso, vinculo, fianza hypoteca ni otro gravamen aunque sea por causa piadosa ni pasarlo a manas muertas.

2a. Podra sercarlo sin perjudicar los travesias caminos y servidumbres: lo disfrutara libre y esclusivamente destinando lo al uso o cultivo que mas le acomode, pero dentro de un ano a lo mas fabricara casa y estara habitada.

3a. Solecitara del Juez respectivo que le de posecion juridica en virtud de este despacho por el cual se demarcaran los linderos en cuyos limites pondra a mas de los mohoneras algunos arbales frutales o silvestres de alguna utilidad.

4a. El terreno de que se hace mencion es poco mas o menos de un sitio de ganado mayor segun esplica el diseno que corre en el espediente.

El Juez que diere la posecion lo hara medir conforme a ordenanza para senalar los linderos, quedando el sobrante que resulte a la nacion pa. las usos convenientes.

3a. Si contraviniere a estas condiciones perdera su derecho al terreno y sera denunciable por otro.

En consecuencia mando que teniendose por el titulo el presente i teniendose por firme y valedero se tome razon de el en el libro que corresponde i se entregue al interesado para su resguardo y demas fines. Dado en Monterey a veinte y tres de Junio de mil ochocientos treinta y cinco.

Por enfermedad al Sor Figueroa estaba detenido este titulo por la firma desde se el dia que esta fechado, mas haviendo muerto Dho Senor lo pongo por diligencia pa. que conste, firmandolo con el Sr. Dn. Jose Castro primer vocal de la E. Diputacion i Jefe Politico interino al territorio. Monterey, a 1o. Obre. de 1835, de lo que doy fee.

JOSE CASTRO,
Srio.

FCO. DEL CASTILLO NEGRETE.

Queda tomado razon en el libro respectivo a fojas setenta y senalado con el numero sesenta y ocho cuyo libro obra en esta secretaria de mi caryo. Monterey, Junio 24, de 1835.

Diva, 10 ps.

CASTILLO.

Filed in office, Sept. 4th, 1852.

GEO. FISHER,
Secretary.

Translation of Title.

Stamp Second—Twelve Reales.

Provisionally authorized by the administration of the Maritime Custom-house of Monterey, in Upper California, for the years one thousand eight hundred and thirty-four, and one thousand eight hundred and thirty-five.

(Signed) FIGUEROA,
(Signed) A. RAMIREZ.

Jose Figueroa, Brigadier-General, Commandant Inspector, and Governor of California.

[CIVIL GOVERNOR OF UPPER CALIFORNIA.]

Whereas, Teodoro Arrellanes, by birth a Mexican, has, for his own personal benefit and that of his family, petitioned for the land known by the name of "Rincon," the boundaries of which are shown on the map which goes with the Espediente, and are from the Arroyo de los Sauces to the Arroyo de la Brea, and from the Arroyo de las Casitas to the beach; its entire length is two leagues, and its breadth one; the necessary measures and examinations having previously been made, as required by law and regulations, using the faculties which are conferred on me, I have, in decree of this day, and in the name of the Mexican nation, granted to the aforesaid Teodoro Arrellanes, the above-mentioned land, declaring to him the ownership of it by these presents, said

grant being understood to be in entire conformity with the laws, subject to the approval or disapproval of the Most Excellent Territorial Deputation of the Supreme Government, and under the following conditions, viz.:

1. He shall submit to these (conditions) that may be established in the regulation which is to be made for the distribution of vacant lands, and in the meantime, neither the grantee nor the heirs can divide or alienate that which is granted him, subject to any tax, entail, pledge, mortgage, or other incumbrance, either for religious purposes or convey it in mortmain.

2. He may enclose it without prejudice to *to* the cross-roads and servitudes, and enjoy it freely and exclusively, making such use and cultivation of it as he may see fit, but within one year he shall build a house on it, and inhabit it.

3. He shall ask the proper magistrate to give him judicial possession, in virtue of this order, by which the boundaries shall be marked out, in which he shall place, besides the land bounds, some fruit or forest trees of a useful character.

4. The land here mentioned is a little more than one sitio de ganado mayor (one square league for grazing large cattle), as shown by the map which goes with the other Expediente. The magistrate who may give the possession, will cause it to be measured conformably with the ordinance, and mark out the boundaries, leaving the surplus to the nation for its convenient uses.

5. If he shall contravene these conditions, he shall lose his right to the land, and it may be denounced by another person. In consequence, I direct that, serving him for a title, these presents being held as firm and valid, note be taken of it in the corresponding book, and it be delivered to the person interested for his security and other purposes.

Given at Monterey, the 23d of June, one thousand eight hundred and thirty-five.

By the sickness of Senor Figueroa, this title was detained for the signature since the day that it is dated; but the said Senor having died, I make it an official document, signing it in testimony, with Don Jose Castro, Senior Vocal of the Most Excellent Deputation, and Governor ad interim of the territory.

Monterey, Oct. the 1st, 1835, to which I certify.

(Signed) FRANCISCO DEL CASTILLO NEGRETE.

(Signed) JOSE CASTRO,
Secretary.

Note has been taken in the proper book, on page seventy, and marked with the number seventy-eight, which book exists in this Secretary's office under my care. Monterey, June 24, 1835.

(Signed) CASTILLO.

Filed in office, April 6th, 1852.
(Signed) GEORGE FISHER,
Secretary.

Doc. No. 2, annexed to Dep. of Pablo de la Guerra.

Titulo y Posecion del Rancho del Rincon.

Sor Alcalde y Juez de 1a. Instancia de Sta. Barbara.

El cuidadano Teodoro Arellanes establerido y vecino en esta poblacion ante V. hace presente qe. deseando obtener la posecion Juridica del paraje nombrado y conocido por el Rincon q. tenga hace mas de diez y nueve anos presente V. se sirba darse la con arreglo al titulo y demas documentos q. presentara pertenecientes al referido rancho y sus pertenecias. P. l. A. V. suplica se sirba acceder a su solecitud, admitiendola en este papel comun por no haberlo del sellado correspondiente en este destino y firmada por su higo Dn. Antonio por no saber el escribir.

Santa Barbara, Mayo 7, de 1850.

ANTO. ARELLANES.

Santa Barbara, Mayo 7, de 1850.

Como lo pido el interesado pasese por mi el dia nueve del corriente mes al terreno del Rincon y desde la posecion Juridical de el a D. Teodoro Arellanes librese boletas de comparendo a los Co. Ciudadanos de dicho terreno a fin de que presencien la posecion q. se dara por mi el referido dia.

Don Joaquin de la Guerra, Juez de 1a. instancia Alcalde de Sta. Barbara actuando por receptoria con los testigos de su asistencia, asi lo mande decrete y ey firmo.

JOAQN. DE LA GUERRA.

Assa. ANASTASIO CARILLO.
" ANTONIO RODRIGUEZ.

En cumplimiento del anto que antecede se libraron por mi el Juez boletas de comparendo a los colindantes ciudadanos Cosme Vanegas, Erisogona Agala y a Fernando Filo como apoderado de la vindad de Ramon Rodriguez y para qe. consta por diligencia lo firmo con los testigos de mi asistencia.

JOAQN. DE LA GUERRA.

Assa. ANASTO. CARILLO,
" ANTONIO RODRIGUEZ.

En el parage del Rincon a los nueve dias del mes de Mayo de mil ocho cientos cincuenta, siendo como nueve horas de la manana, yo Joaquin de la Guerra Alcalde y Juez de 1a. Instancia del distrito de Santa Barbara acompanado con los testigos de mi asistencia, con quienes actuo por falta de escribano publico, en complimto. del anto

del 7 del presente mes y ano fue comparecido D. Teodoro Arellanes quien manifesto el titulo de concesion de Dho rancho, espedido por el Senor General y Gefe Superior Politico de la Alta California D. Jose Figueroa en veinte tres de Junio de mil ochocientos treinta y cinco y firmado por el Senor Secretario Dn. Franco. del Castillo Negrete y el Senor D. Jose Castro como Gefe Politico interino del territorio en 1o. de Octbre. de 1835, a favor del espresado Sr. Arellanes y estando presentes los C. C. Cosme Vnegas, Erisogono Ayala que fueron citados como colindantes espresaron que no siendolo y q. equivocadmte. fueron llamados no presentaban escusa ninguna para la posesion q. se daba del parage citado del Rincon D. Teodoro Arellanes entro en el y paseo por sus tierras arranco yerbao, esparcio punadas de tierra, rompio ramas de arboles, e hizo otras ceremonias en senal de la verdadera, real, corporal y actual posesion que de dho Rancho del Rincon tomaba en virtud de su poder la cual le fue dada quieta y pacificamente sin contradicion de persona alguna, en la que yo el Juez digo le amparaba y ampare para ser jamao despojado. Y habiendose en seguida procedido el senalamiento de linderos quedaron fijados conforme al diseno que corre en el Espediente, segun lo demuestra el espresado titulo y son desde el arroyo de la Brea hasta la canada de los Sauces, de la Playa hasta el arroyo de las Casitas; y cuya medicion como lo previene el Arto. 4 del dho titulo fue hecha de la manera siguiente. Se tomo un cordel de setenta varas y fueron nombrado dos medidores y a presencia del Juez y los testigos de su asistencia, comenzaron la primer medida todo camino real desde en frente del arroyo de la Brea, hasta rematar la desembocadera de la Canada de los Sauces, conteniendo esta medida ciente y setenta y dos cordeles de a setente varas que comparan la cantidad de doze mil cuarenta varas Castellanos. Imediatte. se procedio la segunda medida que se comenzo desde el nacimiento del arroyito de la Brea hasta rematar a un creston blancoque esta a los margines de la Cierra y en frente de dho arroyo, cuyo medida contiene cuarenta y dos y medio cordeles que hacen la cantidad de dos mil nove cientos setenta y cinco varas Castellanos. De dho creston se tiro una linea recta hacia la parte del Canada de los Sauces y rematando en frente de la desembocadura de la mismo vino adar a su nacimiento en donde se encuentran tres grandes encinos y en cuyo lugar se mando poner un grande madero formando un crucero y habiendose asi determinado quedo concluydo la medicion, no resultando sobrante al parecer ninguno en favor de la nacion como se previene en el espresado titulo.

Y para la conservacion y futura memoria de esta posesion Judicial la forme yo el Juez con las testigos a mi asistencia, y haciendola p. D. Teodoro Arellanes por no saber escribir, su hijo D. Antonio. Doy fee.

ANTONIO ARELLANES.

Ante mi. JOAQN. DE LA GUERRA.
Assa. ANASTO. CARILLO.
Assa. CANUTO GUEVARA.

En el puerta de Santa Barbara a los tres dias del mes de Mayo de mil ochocientos cincuenta yo el Juez de estos autos, hize comparecer ante mi y los de mi asistencia a D. Fernando Pico, citado como consta en la diligencia respectiva de siete del corriente mes para que como encargado del Rancho de los Pitos de la pertenesia de los herederos del finado Ramon Rodriguez que colinda con el Rincon, comparesiera a presenciar la posesion del terreno del rancho dicho del Rincon, y habiendole manifestado lo hasta ahora actuado, et titulo q. corre en este espediente y dichole si se conformaba con la posesion dada al Sor D. Teodoro Arellanes y si tenia por justos los linderas del Rincon, demarcadas en el espresado titulo dijo: que estaba conforme con la pocecion dada al Senor Arellanes y que reconocia q. los linderos del parage del Rincon demarcadas en el titulo que se le ha manifestado y son justas y esactas, por lo que respecta al rancho se los Pitos y para constancia lo firmo con migo y los testigos de mi asistencia. Doy fee.

FERNANDO PICO.
Ante mi. JOAQN. DE LA GUERRA.
ANTONIO RODRIGUEZ.

Assa. ANASTO. CARILLO.

Sta. Barbara, Mayo 13, de 1850.

Entrequese original el presente espediente a la parte de D. Teodoro Arellanes para su resguardo en este papel comun por no haberlo del sellado correspondiente en este destino.

JOAQN. DE LA GUERRA.

Filed in office, September 4th, 1852.

GEO. FISHER,
Secretary.

To the Alcalde and Judge of First Instance of Santa Barbara.

The citizen, Teodoro Arrellanes, resident of this town, represents before your Honor, that, desiring to obtain juridical possession of the place called and known by the name of El Rincon, which he has occupied for more than nineteen years, you will be so good as to give it to him, in accordance with the title and other documents which he will present, pertaining to the said Rancho and its appurtenances. Wherefore, he prays your Honor to grant his petition, receiving this on common paper—there being none of the proper stamp. Signed by his son Antonio, as he himself not knowing how to write.

(Signed) ANTONIO ARRELLANES.

Santa Barbara, May 7th, 1850.

Santa Barbara, May 7, 1850.

In accordance with the request of the petitioner, I will go on the 19th Nov. to the land of "El Rincon," and give the judicial possession to Don Teodoro Arrellanes, and the written summons will issue

to the colindantes of said land, that they may be present at the possession which may be given on said day.

Don Joaquin de la Guerra, Judge of the First Instance, and Alcalde of Santa Barbara, writing by virtue of his office, with the assisting witnesses. Thus, he ordered, directed, and signed.

(Signed) JOAQUIN DE LA GUERRA.

Assisting witnesses.

(Signed) ANASTACIO CARRILLO.

(Signed) ANTONIO RODRIGUEZ.

In compliance with the foregoing decree, written summons were sent by me, the Judge, to the colindantes citizens Cosme Vanegas, Cresegono Ayala, and to Fernando Tico, as attorney in fact of the widow of Ramon Rodriguez, and in testimony of which, I signed it with my assisting witnesses.

(Signed) JOAQUIN DE LA GUERRA.

Assisting witnesses.

(Signed) ANASTACIO CARRILLO.

(Signed) ANTONIO RODRIGUEZ.

In the place of El Rincon, on the ninth of May, one thousand eight hundred and fifty, it being about nine o'clock in the morning, I, Joaquin de la Guerra, Alcalde and Judge of First Instance of the District of Santa Barbara, accompanied by my assisting witnesses, with whom I act for want of a notary public, in compliance with the decree of the seventh of the present month and year, there appeared Don Teodoro Arrellanes, who exhibited the title of grant of said Rancho given by the General and Governor of Upper California, Don Jose Figueroa, on the twenty-third of June, one thousand eight hundred and thirty-five, and signed by the Secretary, Don Mariano del Castillo Negrete, and by Don Jose Castro, as Governor *ad interim* of the territory, on the first of October, 1835, in favor of the said Arrellanes; and there being citizens Cosme Vanegas and Cresegono Ayala, who had been summoned as colindantes, but who declared they were not, and had been summoned through mistake; they presented no opposition to proceeding with the possession, which was being given, of the said place of El Rincon; Don Teodoro Arrellanes entered upon and walked over its lands, pulled up grass, scattered handful of earth, broke branches of trees, and performed other ceremonies of real, corporeal, and actual possession, which of said Rancho of El Rincon he took, in virtue of his ownership, which was given quietly and peacefully, without opposition of any person, in which I, the Judge, said I protected and will protect him, so that he may never be ejected; and having, in continuation, proceeded to the marking of the boundaries, they were fixed conformably to the map which goes with the expediente, as shown by the said title, and are from the Arroyo de la Brea to the Canada de los Sauces, from the

Beach to the Arroyo de las Casitas, and of which the survey, as directed in the fourth article of said title, was made in the following manner:—A rope was taken seventy varas long, and two surveyors were appointed, in presence of the Judge and his assisting witnesses; they began the first measurement along the main road, from opposite the Arroyo de la Brea to the mouth of the Canada de los Sauces—this line containing one hundred and seventy-two cordels, of seventy varas each, or twelve thousand and forty Spanish varas. They then immediately proceeded to measure the second line, which commenced at the source of the Arroyoto de la Brea to a white creston, which is on the margin of the Sierra and in front of said Arroyo—which line was forty-two and a half cordels, which is equal to two thousand nine hundred and seventy-five Spanish varas. From said creston, a right line was drawn in the direction of the Canada de los Sauces, and terminating opposite the mouth of the same at its source, where stand three great oaks, and in which place a large wooden cross was ordered to be erected; and having thus finished, the survey was concluded, there resulting no surplus to the nation as provided for in the said title.

And for the preservation and future testimony of this juridical possession, I, the Judge, signed it with the assisting witnesses, and as Don Teodoro Arrellanes did not know how to write, his son Antonio signed for him. I certify.

(Signed) ANTONIO ARRELLANES.

Before me, (Signed) JOAQUIN DE LA GUERRA.

Assisting witnesses.

(Signed) ANAST. CARRILLO,

(Signed) CANUTO GUEVARA.

In the Port of Santa Barbara, this thirteenth day of May, one thousand eight hundred and fifty, I, the Judge of these official proceedings, made to appear before me and my assisting witnesses, Don Fernando Tico, cited as appears in the respective order of the seventh of the present month, in order that, as the person in charge of the Rancho of los Pitos, belonging to the heirs of the late Ramon Rodriguez, which lies adjacent to the land of El Rincon, he might be present at the possession of the said Rancho of El Rincon, and having shown to him what to that time had been done, the title which goes with this Espediente, and interrogated him if he agreed to the possession given to Don Teodoro Arrellanes, and if he considered as just the boundaries of El Rincon marked in said title. He said that he agreed to the possession given to Senor Arrellanes, and that he acknowledged the boundaries of the place of El Rincon marked out in the title which was shown to him, to be just and exact, so far as

the Rancho of Los Pitos was concerned, and in testimony he signed it with me and my assisting witnesses. I certify.

(Signed) FERNANDO TICO.

Assisting witnesses.

(Signed) ANASTA. CARRILLO,

(Signed) ANTONIO RODRIGUEZ.

Santa Barbara, May 13th, 1850.

Let this original Expediente be delivered to Don Teodoro Arrellanes for his security, on this common paper, there being none of the proper stamp in this place.

(Signed) JOAQUIN DE LA GUERRA.

Filed in office, April 6th, 1852.

(Signed) GEO. FISHER,
Secretary.

Opinion.

TEODORO ARRELLANES
v.
THE UNITED STATES.

El Rincon.

The papers on file in this case show that on the 23d day of June, A. D. 1835, a formal grant for the land known by the name of Rincon was prepared; but before it was signed Governor Figueroa, the acting Governor of California, died; afterwards, to wit, on the 1st day of October, A. D. 1835, it was made official by Jose Castro, who succeeded Figueroa as Governor *ad interim*. The petition contains the allegation that said grant was duly approved by the Departmental Assembly on the 25th day of September, A. D. 1835. The claimant has also placed on file papers showing that juridical possession and measurement of the premises in question were made on the 13th day of May, A. D. 1850. The foregoing papers and documents are all properly proved and authenticated. It is proved by depositions on file, that the claimant occupied the place in 1835, or 1836, that he had a house on it and sowings, and that he and his sons have occupied it ever since that time, and that they have cattle and horses on it at the present time. The main question in this case is the identity of the land granted. The conditions attached to the grant require the grantee to have the land measured by the proper magistrate, leaving the surplus to the nation. The quantity granted is a little more than one square league, and is described in the grant as follows: at the place known by the name of Rincon, the boundaries of which are shown on the map which goes with the Expediente, and are from the Arroyo de los Sauces to the Arroyo de la Brea, and from the Arroyo de los Casitas to the Beach; its entire length is two leagues, and its breadth one. This is the only descrip-

tion of the land given in the grant. The juridical possession referred to was made in 1850, long after the country had been ceded to the United States. That the party could do no act at that time which would be binding on the Government of Mexico to complete her title, is not an open question, and as the United States succeeded to the obligations of the former government, it follows that all acts done after the jurisdiction of the country had been transferred, could create no rights and could impose no obligations. The measurement of 1850 can be considered in no other light than as a mere private survey, unauthorized by law, and of no binding force or effect whatever. The description in the grant is general and indefinite, and is in no way aided by the map to which reference is made. The map does not represent a single one of the natural objects mentioned in the grant, and offers no information by means of which the land granted could be located, or its boundaries defined. It is unnecessary to investigate the other questions which are presented in the case, as we consider the boundaries so entirely uncertain and indefinite that it is impossible to identify the tract granted.

We are, therefore, of opinion that the claim should be rejected.

Filed in office, November 22, 1853.

GEORGE FISHER,
Secretary.

Decree.

TEODORO ARRELLANES
v.
THE UNITED STATES.

In this case, on hearing the proofs and allegations, it is adjudged by the Commission that the said claim of the petitioner is not valid, and his application for a confirmation thereof is therefore denied.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON,
Commissioners.

Filed in office, Nov. 22, 1853.
(Signed) GEORGE FISHER,
Secretary.

Office of the Board of Commissioners to ascertain and settle the Private Land Claims in the State of California.

I, George Fisher, Secretary to the Board of Commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing thirty-seven pages, numbered from 1 to 37, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said Board, of the documentary evidence and of the testimony of the witnesses, upon which the same is founded, on file in this office, in case No. 163, on the docket of the said Board, wherein Teodoro Arrellanes is

the claimant against the United States, for the place known by the name of "El Rincon."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office), at San Francisco, California, this twenty-second day of August, A. D. 185 , and of the Independence of the United States of America the seventy-ninth.

(Signed) GEO. FISHER,
Secretary.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

I, Charles E. Carr, Clerk of the District Court of the United States for the Southern District of California, do hereby certify that the foregoing 38 pages, numbered from 1 to 38, both inclusive, contain a full, true, and correct copy of Transcript No. 163, filed in this office, wherein Teodoro Arrellanes is claimant against the United States, for "El Rincon."

In testimony whereof, I have hereunto set my hand and affixed the seal of said Court, at Los Angeles, California, this 20th day of December, A. D. 1855, and of the Independence of the United States of America the eightieth.

[SEAL.] C. E. CARR,
Clerk.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

The UNITED STATES, Appellees,
ads.
TEODORO ARRELLANES, Appellant.
} Docket No. 59. Transcript No. 163.

Be it remembered that on the 30th day of August, A. D. 1854, in the District Court of the United States, for the Southern District of California, the following proceedings were had, to wit:

A duly certified transcript of the proceedings and decision, and the papers and evidence upon which the said decision was founded, of the Commissioners to ascertain and settle the private land claims in the State of California when sitting as a Board in the case wherein Teodoro Arrellanes is the claimant against the United States for the place named "El Rincon," was received, and filed, and docketed, with No 59, and is as follows, to wit:

(Vide page 1.)

Los Angeles, Dec. 26, 1854.

In case No. 59, Teodoro Arrellanes for "El Rincon," the notice of appeal by the appellant was filed.

(Vide page 3.)

Los Angeles, Dec. 26, 1854.

In the same case the petition for review of the appellant was filed.

(Vide page 3.)

Upon which petition the following subsequent proceedings were had in their chronological order, to wit:

Los Angeles, February 24th, 1855.

In the same case, the answer of P. Ord, United States Attorney, was filed.

(Vide page 5.)

Los Angeles, October 11th, 1855.

In the same case the deposition of Anastacio Carrillo was taken and filed.

(Vide page 10.)

Los Angeles, October 12th, 1855.

In the same case the following stipulation was filed.

(Vide page 13.)

Los Angeles, October 15th, 1855.

In the same case the following order was filed.

(Vide page 13.)

Los Angeles, October 18th, 1855.

In the same case the opinion of the Court confirming the claim was delivered, and the following decree entered.

(Vide page 14.)

Los Angeles, October 19th, 1855.

In the same case, on motion of P. Ord, U. S. Attorney, the order of appeal was filed.

(Vide page 15.)

United States District Court for the Southern District of California.

Notice of intention to prosecute the appeal from the decision of the United States Land Commissioners.

TEODORA ARELLANES, Appellant,
v.
THE UNITED STATES, Appellee.

Appeal Notice.

Teodora Arellanes, claimant of the rancho called "El Rincon," situate in the County of Santa Barbara, in the Southern District of California, hereby gives notice of his intention to prosecute an appeal from the decision of the Board of Commissioners, in his claim

for the said land; which claim was presented to the said Board of Commissioners, and by them rejected. His claim being that which is numbered on the docket of said Board of Commissioners No. 163, the transcript whereof, as filed in this office, is numbered No. .

HALLECK, PEACHY & BILLINGS,
Attorneys for Appellant.

Filed Dec. 26, 1854.

C. E. CARR,
Clerk.

United States District Court for the Southern District of California.

Petition of the Appellant, praying the Court to review the Decision of the U. States Land Commissioners.

TEODORA ARELLANES, Appellant,
v.
THE UNITED STATES, Appellees.

Petition for Review.

Your petitioner, Teodora Arellanes, respectfully shows unto this Honorable Court that, on the 30th day of September, 1833, he applied to the proper authorities for a grant of the rancho called "El Rincon," situate in the then jurisdiction of Santa Barbara, Territory of Upper California, and in the now county of Santa Barbara, State of California; and that on the 8th day of January, 1834, he received a provisional grant or permission to use and cultivate parts of said land; that on the 6th day of June, 1835, he again applied to the Governor of California for a grant in fee of said land, and on the 22d day of June, 1835, Jose Figueroa, Governor of California, by virtue of authority in him vested, granted to the petitioner the said tract of land; which grant was duly approved by the Territorial Deputation of California, on the 25th day of September, 1835; that after the said approval of the Territorial Deputation, and after the death of said Governor Figueroa, to wit, on the 1st day of October, 1835, Jose Castro, First Vocal of the Deputation, and Acting Governor of California, signed and delivered to petitioner a document of final title, conveying to him the ownership of the aforesaid tract of land, containing one square league, a little more or less, with the boundaries described in the grant, and in the map which accompanied his petition, and is referred to in the grant as being in the espediente and as identifying the land intended to be granted.

Your petitioner further shows that under the aforesaid permission of occupation and cultivation, he entered into the possession of the said land and was in possession of the same from that time until the said final title was issued to him, and that he has continued ever since and now is in the quiet and peaceful possession of said land; that he has occupied the said land for more than twenty years, cul-

tivating portions of it, and using the other portions for stock-raising; and that all the conditions of the said grant have been faithfully performed.

Your petitioner further shows that, in the month of May, 1850, the local magistrate of Santa Barbara duly surveyed and designated the boundaries of said land, giving to the petitioner the juridical possession thereof, according to the usage and custom of the country.

Your petitioner further shows that the said rancho, or tract of land, is situate in the Southern District of California.

Your petitioner further shows that, on the 15th day of April, 1852, he presented his claim to the said land to the United States Land Commissioners, appointed under the Act of Congress passed on the 3d of March, 1851, entitled "An Act to ascertain and settle the private land claims in the State of California," when sitting as a Board, and prayed the said Board to confirm it; and that on the 22d day of November, 1853, the said Board of Commissioners decided upon the validity of the petitioner's said claim, and rejected it.

Your petitioner prays that the transcript of the report of the said Board of Commissioners on the claim presented to them as aforesaid, and of the documentary evidence and testimony of the witnesses on which it was founded, which is filed with the Clerk of this Court, as directed by the 12th section of the Act of Congress, passed on the 31st of August, 1852, entitled "An Act making appropriations for the civil and diplomatic expenses of the Government for the year ending the thirtieth of June, 1853, and for other purposes," may be held and considered as part of this petition.

Wherefore your petitioner, appealing from the said decision of the Board of Commissioners, presents this petition to the Honorable the District Court for the Southern District of California, being the District Court of the District in which the land is situated. And he prays this Honorable Court to review the said decision of the said Board of Commissioners, and to decide upon the validity of his claim.

HALLECK, PEACHY & BILLINGS,
Attorneys for Appellant.

Filed Dec. 26, 1854.

C. E. CARR,
Clerk.

In the District Court of the United States, for the Southern District of California.

TEODORA ARELLANES, Appellant,
vs.
THE UNITED STATES, Appellee. } No. 163.

Answer.

Answer to the petition of the Appellant, praying the Court to review the decision of the United States Land Commissioners.

The answer of Pacificus Ord, Attorney of the United States for the Southern District of California, in behalf of the United States, to the petition of Teodora Arellanes (filed December 26th, 1854), alleging, that on the 5th day of April, 1852, he presented his claim to the United States Land Commissioners, appointed under the Act of Congress passed on the 3d of March, 1851, entitled "An Act to ascertain and settle the private land claims in the State of California, "to a rancho called "El Rincon," situate in the County of Santa Barbara, California, containing one square league, a little more or less, with the boundaries described in the grant and the map which accompanied his petition, asking for said rancho, and referred to as being in the Expediente, and as identifying the land intended to be granted, and prayed the said Board to confirm it; and that, on the 22d day of November, 1853, the said Board of Commissioners decided upon the validity of the said claim, and rejected it; and praying this Honorable Court to review the said decision of the said Board of Commissioners, and to decide upon the validity of his claim.

And the said attorney answering said petition, in behalf of the United States denies generally, all and singular, each and every allegation in the said petition contained; and denies specially, "that on the 30th day of September, 1832, he applied to the proper authorities for a grant of the rancho called 'El Rincon,' situate in the then jurisdiction of Santa Barbara, Territory of Upper California, and in the now County of Santa Barbara, State of California; and that on the 8th day of January, 1834, he received a provisional grant or permission to use and cultivate parts of said land; that on the 6th day of June, 1835, he again applied to the Governor of California for a grant in fee of said land; and on the 22d day of June, 1835, Jose Figueroa, Governor of California, by virtue of authority in him vested, granted to the petitioner the said tract of land, which grant was duly approved by the Territorial Deputation of California, on the 25th day of September, 1835; that after the said approval of the Territorial Deputation, and after the death of said Governor Figueroa, to wit, on the 1st day of October, 1835, Jose Castro, first vocal of the Deputation, and acting Governor of California, signed and delivered to petitioner a document of final title, conveying to him the ownership of the aforesaid tract of land, containing one square league, a little more or less, with the boundaries described in the grant, and in the map which accompanies his petition, and is referred to the grant as being in the Expediente, and as identifying the land intended to be granted," as alleged; and he further specially denies "that under the aforesaid permission of occupation and cultivation, he entered into the possession of the said land, and was in possession of the same from that time, until the said final title was issued to him, and that he has continued ever since, and now is, in the quiet and peaceable possession of said land; that he has occupied

the said land for more than twenty years, cultivating portions of it, and using the other portions for stock-raising; and that all the conditions of the said grant have been faithfully performed," as alleged; and he further specially denies, "that in the month of May, 1850, the local magistrate of Santa Barbara duly surveyed and designated the boundaries of said land, giving to the petitioner the juridical possession thereof according to the usage and custom of the country," as alleged in said petition.

And the said attorney of the United States, in pursuance of the provisions of the said Act of Congress of the third of March, 1851, herein fully sets forth the ground on which said claim is invalid, to wit:—

I. That the said alleged provisional grant or permission of the proper authorities to use and cultivate parts of the said rancho or tract of land, called "El Rincon," dated the 8th day of January, 1834, and the said alleged grant in fee of said land by Jose Figueroa, Governor of California, dated the 22d day of June, 1835, were made in violation of the 4th article of the Colonization Law of Mexico, of the 18th of August, A. D. 1824, in this: that the land granted, as alleged by claimant, was and is within ten leagues of the sea-coast, and there is no evidence shown by said claimant, that the Supreme General Executive Power of Mexico previously approved of the colonization of the public lands in Upper California, lying within ten leagues of the sea-coast, and it is denied that the previous consent of said Supreme General Executive Power of Mexico in such case ever was had.

II. That at the dates of the said alleged permission to occupy and cultivate, and the grant of said land in fee, it was occupied by, and in the possession of the Missions of the Territory of Upper California; and particularly by the Mission of San Buenaventura; and could not therefore be colonized.

III. That the said alleged grant in fee has not the conditions required by, and is not made in entire conformity with the said law of Mexico, of the 18th of August, A. D. 1824, and the regulations for the colonization of the territories of Mexico, of the date of 21st of November, 1828.

IV. That the said alleged Governor, Jose Figueroa, had no lawful authority to grant said land, as alleged; for the reason, that the said land was, at the time of the said alleged grant to said claimant, in the use of the Government of Mexico: and the said land was then a reserve for the pasturage of the horses of the Government Company of troops of the Presidio of Santa Barbara.

V. That the said alleged grant in due form of said land, by Governor Jose Figueroa, dated the 23d day of June, A. D. 1835, and purporting to have been signed by Jose Castro, an alleged Governor (ad interim), is invalid; for the reason, that the said Jose

Castro had no lawful authority to sign said alleged grant of said Jose Figueroa, in the manner and form as alleged.

VI. That the said alleged grant of the said date of the 23d of June, 1835, and purporting to have been signed by Jose Castro on the 1st of October, 1835, is not executed upon the lawful stamped paper.

VII. That the said alleged grant of said date, was made subject to the approval or disapproval of the Deputation (of California), and the Supreme Government (of Mexico), and the said claimant fails to show that the said alleged grant of said land was ever approved by the said Supreme Government of Mexico. And it is denied that it was ever approved by the said Supreme Government: and it is further denied that there is sufficient evidence that the said grant was ever approved by the Deputation of California, as alleged.

VIII. That the said alleged grant has not the conditions thereto, which were imposed by the Deputation of California, in their alleged approbation of said grant, of the date of the 25th of September, 1835; particularly the conditions to be imposed, should the land be declared to belong to the common lands (egidos) of the Pueblo of Santa Barbara.

IX. That the said alleged grant contains no sufficient description of the locality, extent and boundaries of the land, by which it can be identified and surveyed: that the map referred to therein is vague and indefinite, and does not sufficiently explain and correspond with the calls or description of boundaries in the said alleged grant: and the said alleged grant and map are vague, and indefinite, and void for uncertainty.

X. That there is no evidence that the said claimant performed the conditions of said alleged grant, and the requirements of the law; that there is no evidence that he asked the lawful authority for, or received the lawful possession of the said tract of land, as required by the conditions of the said alleged grant; and it is denied that he performed the conditions of the said alleged grant, and the requirements of the law; and that he ever asked the lawful authority for, or received the lawful possession of the said tract of land.

XI. That there is no sufficient evidence that the claimant built a house on the said tract of land, and inhabited it, within one year from the date of the said alleged grant, and that he cultivated the said tract of land; and it is denied that he built a house upon the said tract of land, and inhabited it, within one year from the date of the said alleged grant: and that he cultivated the said tract of land; that he asked for and received the juridical possession of the same within one year from the date of the said grant.

XII. That the alleged grant, juridical survey, and possession of the said land, dated the 7th, 9th, and 13th of May, 1850, was not made according to the said alleged grant and the map referred to therein, nor according to the ordinance or law. That it is vague, indefinite and void.

XIII. That there is no evidence that Joaquin de la Guerra was a Judge of First Instance, and Alcalde of Santa Barbara, on the 7th, 9th, and 13th of May, 1850, and that he had as such, at that time, lawful authority to make the survey and give the juridical possession of the said tract of land, and it is denied that the said Joaquin de la Guerra was a Judge of First Instance, and Alcalde of Santa Barbara, on the 7th, 9th, and 13th of May, 1850, and that he had as such, at that time, lawful authority to make the survey and give the said claimant the juridical possession of the said tract of land, as alleged by said claimant in his said petition to said Commissioners, and the said pretended juridical act or acts of survey, and possession of said land by said Joaquin de la Guerra, of said date, are illegal and void.

XIV. That the said claimant shows no definitively valid title for the said tract of land claimed by him in his petition to said Commissioners, and in his petition for review to this Honorable Court, and it is denied that he ever had, or has any indefinitively valid grant or title for said tract of land.

Wherefore, the premises considered, the said attorney, respondent in behalf of the United States, prays that the said claimant may be served with a copy of this answer, and that after due proceedings, this Honorable Court will decide the said claim of said petitioner for said tract of land, to be invalid, and to decree costs against him, and general relief.

P. ORD,
Of Monterey County, Attorney of the United States for the Southern District of California.

Filed Feb'y 24th, 1855.

C. E. CARR,
Clerk.

TEODORO ARELLANA, Appellant,
v.
The UNITED STATES.
} No. 59. El Rincon.

Deposition of Anastacio Carrillo.

Deposition of Anastacio Carrillo, a witness for appellant, taken before me, Chas. E. Carr, U. S. Commissioner for the Southern District of Calfornia, at my office, in Los Angeles, Oct. the 11th, 1855, to be read in evidence on the trial of the above-entitled cause.

Present: A. F. Hinchman, Attorney for Appellant, and P. Ord, U. S. Attorney.

Wm. G. Dryden was sworn as interpreter. Anastacio Carrillo being by me first duly sworn, in answer to questions propounded by counsel for the several parties, upon his oath replies as follows:

Question. What is your name, age, and place of residence?

Answer. My name is Anastacio Carrillo, my age 67 years, my residence Santa Barbara.

Question. How long have you resided in Santa Barbara?

Answer. Permanently 52 years.

Question. Do you know the rancho in Santa Barbara County called Rincon?

Answer. I do.

Question. Do you know whether the present claimant is before this Court?

Answer. I believe Don Teodoro Arellanes is the claimant of it before this Court.

Question. Do you know a place in the County of Santa Barbara, called La Brea, if so, what is it and where is it?

Answer. I do, it is situated east of the town of Santa Barbara; it is a ravine from which issues asphaltum and water at times.

Question. Is it a point easily distinguished, and how long has it been known by the name of La Brea?

Answer. It is easily known, and has had the name of Brea for many years.

Question. Was it generally known by that name before the year 1834?

Answer. Yes, it was.

Question. Do you know a place in Santa Barbara called Arroyo de las Saucos?

Answer. I do.

Question. Describe it.

Answer. It is a little east of the place called the Brea; a ravine with water which comes down from the hills.

Question. Is the course of the Arroyo well marked?

Answer. Yes, its course is well described.

Question. Was the Arroyo known by the name you have given it as early as 1834?

Answer. It was known by that name ever since I have been in Santa Barbara, 52 years.

Question. Do you know in Santa Barbara County an Arroyo called de las Casitas?

Answer. I do.

Question. Where is it, and what is its course?

Answer. This ravine is on the east of the ravine called the Rincon; it runs from east to west, and joins with the ravine of the Rincon.

Question. How far is it from the place called La Brea to the Arroyo de las Saucos?

Answer. I think two leagues; a little more or less.

Question. How far from the Arroyo de las Casitas to the beach?

Answer. Not quite a league.

Question. Where is the Arroyo del Rincon that you have mentioned?

Answer. This ravine is what gives name to the place called Rincon; it actually runs through what is called the Rincon Tract.

Question. How is the Arroyo del Rincon situated with regard to the Arroyo de las Saucos and La Brea?

Answer. It runs almost in the centre between the two places.

Question. Do you know a place called Mesa de los Lepes?

Answer. I know the place. It is situated west of the Rincon Ravine, and it is a table-land something like a Portrero, and is near the Rincon Ravine.

Question. Do you know a place in the County of Santa Barbara called Rosa de Castilla; if so, where is it, and what is its situation?

Answer. I do. It is a small plain in the bottom, with a few bushes of the rose of Castile, and is near the Rincon Ravine.

Question. Look at the map here shown you, marked "A, Ce. Cre. S. Comr.," and state whether it presents, generally, the relative position of the several places you have already mentioned and described. (Question and introduction of the map objected to by the U. S. Attorney.)

Answer. I have looked at the map, and generally find those places correctly laid down.

Cross-examined by U. S. Attorney.

Question. What means have you of knowing the distance from the place called La Brea to the Arroyo de las Saucos?

Answer. Because I have passed over the ground many times, and I judge it to be the distance I have stated.

Question. What means have you of knowing the distance from the Arroyo de las Casitas to the beach?

Answer. Because I have passed over it many times, and I may say that I was raised on that place.

Question. How far is the land from Santa Barbara?

Answer. A little more than four leagues.

Question. How long have you lived in Santa Barbara?

Answer. For the last fifty-two years.

Question. Do you know the boundaries of the common lands of the town of Santa Barbara at the time they were first established? if yea, state them. (Question objected to by Counsel for Claimant.)

Answer. I do. When Santa Barbara was a pueblo or village its common lands extended on one side as far as the Carpinteria, and on the other side a little beyond the Old Mission, on the other sides by the mountains and the sea. The line beyond the Old Mission is definitely marked, but I don't exactly remember where it runs.

Question. When were these boundaries of Santa Barbara you have mentioned established. (Objected to by Counsel for Claimant.)

Answer. I do not remember; I don't remember whether it 20 or 30 years ago; I was a military man, often called off, and I cannot fix the time.

Question. Were there any lands adjacent to Santa Barbara reserved by the government previous to the year 1835, for the purpose of pasturing horses in the use of the government; if yea, state what places were so reserved, and particularly state whether or not the

place which you have described, called El Rincon, was so reserved by the general government for military purposes? (Question objected to by Counsel for Claimants.)

Answer. No, I don't know of any lands near Santa Barbara that were reserved by the government for military purposes.

Question. Have you ever seen the horses of the government company of cavalry of Santa Barbara pasturing upon and occupying the Rincon which you have described; and if yea, state where you have so seen them?

Answer. They pastured on this place, on the Carpinteria, and in every place, wherever they pleased.

Question. Was not this place of the Rincon claimed by the Company of the Presidio of Santa Barbara in the year 1833?

Answer. I was there, but I do not recollect of their having claimed it.

ANASTACIO CARRILLO.

Sworn to and subscribed before me, this 11th day of October, 1855.

C. E. CARR,
U. S. Commissioner.

Filed October 11th, 1855.

C. E. CARR,
Clerk.

Stipulation.

In the United States District Court of the Southern District of California, Los Angeles County.

TEODORO ARRELLANES, Appellant,
v.
THE UNITED STATES, Appellee.
} "El Rincon." No. 59.

It is hereby stipulated by P. Ord, District Attorney of the United States for the Southern District of California, and by A. F. Hinchman, attorney for appellant, that so much of the transcript in this case sent by the United States Board of Land Commissioners to said District Court as is contained in pages 24, 25, 29, 30, and 31, is a copy of the documents referred to in the testimony of Pablo de la Guerra, before said Board, as documents marked "No. 1" and "No. 2," and annexed to his deposition.

P. ORD,
Attorney U. S.
A. F. HINCHMAN,
Attorney for Appellant.

Los Angeles, October 12th, 1855.
Filed Oct. 12th, 1855.
(Signed)

C. E. CARR,
Clerk.
By J. W. ROSS,
Dep.

Leave to withdraw Papers.

In the United States District Court for the Southern District of California, Los Angeles County.

TEODORO ARRELLANES, Appellant,
v.
THE UNITED STATES, Appellees.
"El Rincon." No. 59.

Ordered, that the claimant, Teodoro Arrellanes, have leave to withdraw from the papers now on file in this case a petition for review, filed on the 10th day of September, 1855; also, a certified copy of a deed from said Arrellanes to M. H. Biggs, filed on the 20th day of September, 1855; also, a certain affidavit of said Biggs, filed on the 10th day of September, 1855.

Filed Oct. 15th, 1855.
(Signed) C. E. CARR,
Clerk.

Decree.

District Court of the United States for the Southern District of California.

TEODORO ARRELLANES, Appellant,
v.
THE UNITED STATES, Appellees.
"El Rincon." No. 59.

This cause coming on to be heard at a special term of this Court, on an appeal from the final decision of the Commissioners to ascertain and settle private land claims in the State of California, under an Act of Congress, approved March 3d, 1851, upon the transcript of the decision and proceedings, and the papers and evidence on which said decision was founded, and on additional testimony taken in this Court. And it appearing that said transcript has been duly filed according to law, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed, that the decision of the said Commissioners be, and the same is hereby reversed and annulled. And it is further ordered, adjudged, and decreed, that the claim of the said Teodoro Arrellanes is a good and valid claim to the land described in the grant in this case, and the same is hereby confirmed, to the place known as "El Rincon," to the extent of one square league. Provided, that the said quantity of one square league be contained within the limits called for in said grant and map to which it refers; but if there be less than said named quantity, then the claim of said appellee to said less quantity is hereby confirmed.

(Signed) ISAAC S. K. OGIER,
U. S. District Judge for the South. District of California.

Filed Oct. 18th, 1855.
(Signed) C. E. CARR,
Clerk.

In the United States District Court for the Southern District of California, special term, September, 1855. Los Angeles.

TEODORO ARELLANES
ads.
THE UNITED STATES.
} No. 59.
Transcript No. 163.

Appeal Notice.

On motion of P. Ord, Attorney of the United States for the Southern District of California, it is ordered by the Court that an appeal be granted the United States to the Supreme Court of the United States, from the judgment of this Court against the United States in the above-entitled cause, rendered on or about the 18th day of October, A. D. 1855.

P. ORD,
United States District Attorney.

Filed October 19th, 1855.

C. E. CARR.
Clerk.

United States District Court, Southern District of California.

Clerk's Office, Los Angeles.

I, Charles E. Carr, Clerk of the District Court of the United States, for the Southern District of California, do hereby certify the foregoing 15 pages, numbered 1 to 15 both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said Court, of the documentary evidence and of testimony of witnesses, upon which the same is founded, on file in this office, in Case No. 59, on the docket of the said Court, wherein Teodoro Arrellanes is the appellant, and the United States are the appellees for "El Rincon."

In testimony whereof, I have hereunto set my hand, affixed the seal of said Court, at Los Angeles, California, this twentieth day of December, A. D. 1855, and of the Independence of the United States of America the eightieth.

C. E. CARR,
Clerk.